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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

**ASTORIA DOWNTOWN MARKET, et
al.,**

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. 3:18-cv-01367-AC

**DECLARATION OF MADELINE VIENS
IN SUPPORT OF DEFENDANT'S
RESPONSE TO PLAINTIFFS'
AMENDED MOTION FOR SUMMARY
JUDGMENT**

I, Madeline Viens, hereby make the following declarations under penalty of perjury pursuant to 28 U.S.C. § 1746.

1. I am employed by the United States Department of Agriculture, Food and Nutrition Service ("FNS"), as an Administrative Review Officer in the Administrative Review Branch, headquartered in Alexandria, Virginia. I have held this position since October 2012. In my official capacity, I have access to the information maintained by FNS in the ordinary course of business.

2. I make this declaration in support of the government's response to Plaintiffs' amended

motion for summary judgment.

3. By letter dated March 15, 2018, counsel for Plaintiffs requested an administrative review of FNS's decision to permanently deny the application of Astoria Downtown Market to participate as a retail food store in the Supplemental Nutrition Assistance Program ("SNAP").

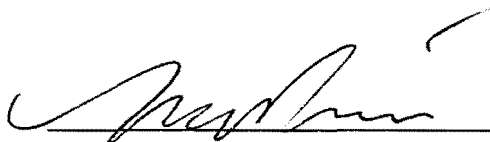
4. By email dated June 11, 2018, counsel for Plaintiffs provided a brief dated June 11, 2018, providing support for Plaintiffs' request for review of FNS's decision.

5. After considering all of Plaintiffs' contentions, the controlling law and regulations and information in the record, FNS upheld the decision to permanently deny Astoria Downtown Market from authorization as a retail food store in the SNAP.

6. I signed the Final Agency Decision dated June 20, 2018. It documents FNS's final decision regarding the permanent denial of the application of Astoria Downtown Market to be authorized as a SNAP retailer.

7. I have knowledge that, based on the regulations, FNS has and does permanently denied/y applicant firms from being authorized to participate as SNAP retail food stores due to records of criminal conviction or civil judgment against owners, officers, or managers for transactions involving controlled substances. Firms for which records of criminal conviction or civil judgment exist that reflect on the business integrity of owners, officers, or managers, as stipulated in 7 C.F.R. § 278.1(b)(3)(i)(A), shall be denied authorization permanently as per 7 C.F.R. § 278.1(k)(3)(i).

Signed this 27th day of June, 2019 in the United States of America.


MADELINE VIENS